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WASHINGTON, DC 20004

MAILED

MAR 18 2010

OFFICE OF PETITIONS

In re Application of :  
Samuel Chun-Lap Lo, et al. :  
Application No. 10/756,768 :  
Filed: January 14, 2004 :  
Attorney Docket No. P69448US0 :  
ON PETITION

This is a decision on the petition, filed December 14, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-final Office action mailed September 15, 2006, which set a three month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on December 16, 2006. A Notice of Abandonment was subsequently mailed on April 4, 2007. On December 14, 2009, the present petition was filed, along with a 2-month petition of time.

It is initially pointed out that extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the \$245 extension fees included with this petition is being refunded to counsel's deposit account.

Petitioner requests that the application be revived "in order to pay a two-month extension fee to carry the pendency of application 10/756,768 through 2/15/2007." Such statement is being construed to mean that petitioner requests that the application be revived for the purpose of continuity with a continuing application.

However, in order to facilitate this action, the petition to revive should include reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Petitioner is also reminded that a letter of express abandonment may only be filed by an attorney of record.

Since no response was filed to the outstanding Office action in the present application, other than an improper extension of time request, the petition cannot be granted.

Any renewed petition with respect to this matter may be delivered through one of the following mediums:

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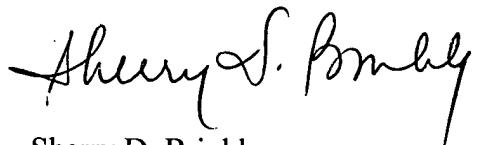
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By fax: (571) 273-8300  
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By internet: EFS-Web<sup>1</sup>

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc:   TREVOR CHUANG  
RM. R1007, SHIRLEY CHAN BUILDING  
THE HONG KONG POLYTECHNIC UNIVERSITY  
PARTNERSHIP DEVELOPMENT OFFICE  
HUNG HOM, KOWLOON, HONG KONG

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